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Q&A With Erich Bloch

Departing NSF Director Looks Back on Six Years

Long-rumored, but not announced, the impending departure of Erich Bloch from the directorship of the National Science Foundation, after six years in the post, was confirmed by Bloch during a wide-ranging conversation April 25 with SGR Editor Greenberg. Following is the text, transcribed and edited by SGR.

SGR. *I understand that you will not be staying on beyond August.*

Bloch. That's right.

SGR. *What are you going to do?*

Bloch. I don't know yet. First of all, I want to take a vacation.

SGR. *Why are you not staying on?*

Bloch. Well, a couple of reasons. First of all, I'm one of the few [NSF] Directors that has been here for six years [the statutory term of appointment]. Six years is a long time, and it's a highly demanding job. I'm never at home. Secondly, I'm probably one of the last holdovers from the last Administration. I'm not so sure that there would be a willingness to keep me on. And, secondly, I'm not so sure that I would be willing. Six years is longer than I anticipated to be here.

SGR. *Would you consider another position in government?*

Bloch. That depends what position it is.

SGR. *Will your successor be the Deputy Director [Frederick M.Bernthal, nominated in January, confirmed March 1]?*

Bloch. I have no idea who the successor will be. I don't think anybody has any idea. The Administration has been slow in filling these positions. I hope this does not happen here. Because I always felt that any position should be filled promptly. When I came here, there were three [senior] openings, one of them for two years. We can't live this way.

SGR. *After six years, what do you know that you didn't know when you arrived?*

Bloch. I came here with great trepidations, about whether anybody could do anything in the federal government. I found that you can do a great deal, you can influence events. The time that I came was probably the right time. Ten or five years before, this would not have been the same experience.

SGR. *Right for what?*

Bloch. For trying new ideas. The country was waking up to the fact that we are in great difficulties. And when you're in great difficulties, it's always easier to do something. The viewpoint of the country—and I include industry and Congress—of the importance of research and education was just changing at that time. The fact that we were under competi-

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Squalor in Academe

Plagiarist Gets Promoted, Victim Is Out of Her Job

From one of the nation's leading medical schools, this is a tale of plagiarism and grisly campus politics, wherein the victim is out of her job, and the perpetrator has been promoted to a senior position.

Heidi S. Weissmann, MD, a highly honored researcher in nuclear medicine, has several mementos from her con-

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flicts with Professor Leonard M. Freeman, MD. He's her former mentor and research collaborator at the Montefiore Medical Center, a teaching hospital of Yeshiva University's Albert Einstein College of Medicine, in New York City.

One of the mementos is a February 1989 2-1 decision from the United States Court of Appeals, Second Circuit. It states that Freeman, Vice Chairman of the Einstein and Montefiore Unified Department of Nuclear Medicine, de-

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In Brief

The abrupt ouster of Craig Fields as Director of the Defense Advanced Research Projects Agency (DARPA) was a coup by the Administration's *laissez-faire* gang, outraged by DARPA's expanding role in boosting civilian technology, aka "industrial policy," loathed by Bush's chief economic and policy advisers. The axing caught the White House Office of Science and Technology Policy by surprise. Three days later, OSTP was still unsuccessfully phoning around the Pentagon to find out what happened.

The National Academy of Sciences retains its ignominy as one of the last overwhelmingly male institutions on the American landscape. The recent annual election brought in 54 men and six women, thus raising the number of women to 62 in a membership totaling 1601. Among the elected: 1988 Nobel laureate Gertrude B. Elion, neglected by the self-perpetuating academicians throughout her long, creative career. Also elected after inexcusable delay, D. Allan Bromley, the highly accomplished Yale physicist who serves as White House Science Adviser.

At a Senate Energy and Natural Resources Subcommittee hearing last week on the Superconducting Super Collider, a strong theme emerged among the Senators: Seek cost-sharing from other nations, but keep as much of the magnet building at home as possible to boost the skills of American industry.

Mary L. Good, Chairman of the National Science Board, heads the search committee to recommend candidates for the NSF directorship, a Presidential appointment.

. . . On DARPA Ouster: "I Don't Like What I See"

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tive pressures, that we had to pull together, was kind of a novel idea, even though it shouldn't have been. All of this provided an environment where you could advance some of the ideas.

SGR. *What ideas?*

Bloch. The focus on education and human resources, which is quite different today than it was in the past.

SGR. *But every measure shows that things continue to get worse.*

Bloch. I question that it gets worse. But if you expect a major change in five years, you're mistaken. This is a 20-year kind of a project. That's the problem. If we don't get quick action in two years, which is the length of the Congressional session, then it's over and done with and we forget about it and do something else. That's exactly why we are in the difficulties we are in.

SGR. *The efforts at educational improvement go back at least to the Kennedy Administration. One measure, SATS, is straight down.*

Bloch. In the meantime, we relaxed, we forgot about it, and now we have to rediscover the same things all over again. We have had no stamina to stay with it. And if we do the same thing again, which could very well happen, we're going to be in the soup forever.

SGR. *Congress wants to spend more than the Administration on education.*

Bloch. I understand. This is a measure of Congress, everything measured by the dollars. We have to make a cultural change, I claim. You can spend billions more and not get anywhere, unless it is combined with this cultural change, and that has to happen. Otherwise you're throwing money down the drain. It's not money. I'm for spending more money, too. On the other hand, that cannot be the only solution to the problem.

SGR. *There are political impediments to the cultural change.*

Bloch. The political impediments are probably not as great as we make them out to be. In the darkest days, and I happened to come at the end of the darkest days, when there was nothing left in the Foundation in terms of education programs [abolished by the Reagan Administration in 1983], all of a sudden, things turned around. It just says it can be done. It's the same Administration, four years later. You can get around the political impediments.

SGR. *The Reagan Administration was hypocritical about education. They abolished the NSF Education Directorate and when they realized that it was politically unpopular to do that, they restored it.*

Bloch. Let me explain it differently. They made a mistake, and they were foresighted enough to admit the mistake. That's another way of looking at it.

SGR. *You've frequently criticized the Defense Department for taking what you've called "a free ride" on civilian science. There's been little change since you first said it four or five years ago.*

Bloch. In the '91 budget request, all of a sudden you see a major change in terms of percent and dollars that go to the civilian R&D part of the budget. It's now about 38-39 percent. In the heyday of defense, the civilian part was more like 30 percent. Nine percent on $70 billion—that's a lot of dollars. I have no doubt that trend will continue. How fast, I don't know, but no doubt it will. There's also no doubt that you cannot make a massive change overnight, because of displacements, and just the lethargy of the system, if nothing else, would prevent you from doing it.

It will be very interesting to see what happens with the '90-'91 6.1 [the Defense Department budget category for basic research] dollars. If those go up, that's another good sign. I said a long time ago, I don't care who spends the basic research dollars as long as somebody spends it.

SGR. *The Defense Department's interest in the country's non-military problems invites some wonder in view of what happened to Craig Fields [suddenly deposed as Director of the Defense Advanced Research Projects Agency].*

Bloch. I must say that Craig Fields has tried to jump into a breach or into a vacuum, especially with regard to Sematech [a Pentagon-subsidized industrial consortium for research on semiconductor manufacturing.] I think that was a courageous thing to do and a necessary thing to do. I don't like what I see happening there. I don't know what the circumstances were. I don't think it's quite what people at Defense said it was, namely, a promotion for Craig. I don't believe that for one second.

SGR. *What of the function he was trying to fill, helping industry? NIST (National Institute for Standards and Technology), by statute, is supposed to do it, but has everything but the money. NSF dabbles with it, but really can't get into it.*

Bloch. And we shouldn't. We're not completely remote from it, because the dividing line is not well defined. What is required is that besides the basic research end of things, there is a push into the pre-competitive stage of the transla-

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Editor and Publisher
Daniel S. Greenberg

Associate Publisher
Wanda J. Reif

European Correspondent
Francois Seguier (Paris)

Circulation Manager
Glen D. Grant

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. . . Science Foundation Is in a Zero-Sum Game

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tion of new knowledge into basic technologies. The fact is that industry is doing a great deal of that, or should do a great deal of that. The universities have something to contribute to that, and government has an interest for its own sake, because it is a unique user of many of these technologies. There needs to be more of a concerted kind of collaborative effort, not a coordinated effort, in many of these areas.

How much government should be involved in that one, in terms of doing the actual funding, is something else again. Government needs to provide an environment where that can happen. I think that is being addressed. If you look at antitrust laws, they have been greatly relaxed in this area. The R&D tax credit is such an incentive, and has helped a great deal. There are some activities, like Sematech, that the government should support. I agree with a lot of the people who say Defense is not the place to do it. Just look at what happened to Craig Fields.

SGR. *Where would you put it?*

Bloch. I would put it somewhere in the Commerce Department.

SGR. *NSF's bunching with other agencies in the appropriations process gets blamed for budget shortfalls. But NASA is in that same bunch, and it fares pretty well.*

Bloch. NASA will always do better than NSF, because it's a visible thing. You shoot it up in the air. Anything that makes a noise—you know that. It's more political than what NSF is doing. NASA is a laboratory, it's an operation, it's an installation in a particular location. It has a tremendous amount of industry push behind it from the contractors. We can't compete with that, shouldn't compete with that. I'm hopeful this year that we're going to get the 14 percent increase that we're asking for. There's a big unknown sitting there called Gramm-Rudman or the equivalent, and that can do us in. But if it isn't for that, I would think that we have a better chance.

SGR. *Senator Bumpers (D-Ark.) told the President's Science Adviser [D. Allan Bromley] at a hearing yesterday that he's trying to find $23 million for measles vaccination while Bromley is asking for $318 million for the Superconducting Super Collider (SSC).*

Bloch. We are involved in a zero-sum game. There is no doubt in my mind, and anybody who says otherwise is badly mistaken or is misleading the scientific community. I have no doubt that NASA affects our budget, and they can say we affect theirs, but we are so much smaller. No doubt about it that the SSC and NASA and NSF are in competition for the same resources. No doubt about it, measles vaccine is in competition. Look what happened to NIH over the years. NIH has done very well, but the physical sciences have gone down at the same time. No mystery to me.

SGR. *Is it wise, then, to proceed with the space station, which will soon consume as much money each year as the NSF budget?*

Bloch. The space station is not a scientific project. Let's face up to that. It's a geopolitical project. SSC is much more of a scientific project. I've been saying all along, let's take care of the base first. Let's make sure that our education is taken care of, that our individual investigators are taken care of, that our equipment in universities, for instruction as well as for research is taken care of, before we start on these big projects. I'm for those big projects, but I would stretch them out to accommodate the other things.

SGR. *Bromley was telling the Senators we can do them all and at the proposed pace.*

Bloch. I hope he's right. If I get 14 percent and he gets the space station and everything else funded at the same time, then he's right. If I only get 10 percent and he gets part of the space station, then he's wrong.

SGR. *Frank Press [President of the National Academy of Sciences] yesterday suggested that Japan contribute $100 million a year to American universities in return for the benefits it receives from sending students here and using American-produced research. What do you think of that?*

Bloch. I don't think much. Each country has to support its own research and education structure. Do the Japanese owe us something? Yeah, sure. But I think that should be acknowledged by having the same access from our side to their system that they have to ours, and not through dollars that are being exchanged across the boundaries. I'm not in favor of it.

SGR. *The Japanese say they're open and are waiting for our people to arrive.*

Bloch. There is something to that. But since when have they been open? When I came to NSF, we had a set-to with the Japanese on opening up the 5th generation computer project, which at that time was at the pinnacle of its prestige —maybe not results, but prestige. It took us at least a year to negotiate that. In the meantime, we have negotiated more openness. So that's relatively new. On the other hand, I must say that we have not had the successes that I thought we should have had in inducing some of our researchers to go over there. That's very true.

SGR. *Do you share the view that the Japanese are cunningly exploiting the openness of American science?*

Bloch. I would put it quite differently. I think they are doing what good business people should be doing—taking advantage of whatever you can take advantage of. And I admire that. I wish we would do the same. We're not even taking full advantage of our own universities. We sure don't take advantage of our national laboratories or of our government laboratories. And I think that we're at fault—business and parts of the government. We're not pushing that. I admire the Japanese for taking advantage of it. I don't call it cunning. It's good business sense.

SGR. *But what's wrong with Press's notion that they should help pay some of the bills?*

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. . . US Fails to Recognize New Competitive Era

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Bloch. I'm in favor of having foreign companies—it doesn't have to be Japanese only—participate in our university research. The universities have to take it on themselves to charge the full cost to the Japanese, just as, by definition, they have charged the full cost to the taxpayers of this country. And today they are not doing that. That I agree with. But then, coming back and saying, hey, you owe us $100 million—I think that's going too far. We're operating a private system, after all. These are not national universities that we operate. But I think the universities should be demanding a more fair *quid pro quo* than what they're demanding today.

SGR. *At NIH there are 350 Japanese researchers, and we pay their salaries.*

Bloch. Well, that's crazy. But don't forget that, at the same time, they're doing work. So, it's not that we're paying for something for which we get no return. And if it weren't for those 350 we would need 350 other ones.

SGR. *We could have 350 bright, young American postdocs.*

Bloch. Go ahead, give those people priorities. Look, we're doing it in our graduate fellowship program. You've got to be either an American citizen or have a permanent visa. We're not supporting foreign students through our graduate fellowship program. We are supporting foreign students through our grant program, but there you get them as research assistants, and there you get something back.

SGR. *Is there a naivete inside American policymaking on this subject?*

Bloch. Naivete? Yeah, or we're not hard-headed enough. I'll say it that way. I don't think it's naivete. And we are not realizing that the world has changed. We've got to understand that we're in a competitive kind of a situation and competition applies to research and not only to mousetraps in the marketplace.

SGR. *Dog eat dog, in science, too?*

Bloch. No, but it must become much more of a hard-headed kind of a business, with us saying that we want to have access to your inventions or discoveries or work and not just a one-sided kind of a deal. And we've got to also recognize that other countries have something to give today. Some of them didn't have much to give 20-30 years ago. We have to be as aggressive at getting at their information as they are getting at our knowledge. We have to take these things more seriously. But how do we do it? We're not set up for doing that.

SGR. *You recently expressed concern about Europe turning inward, at least in terms of students choosing to study there rather than in the US. Do you actually see any sign of that?*

Bloch. You're seeing some signs of it. There is much more of a concerted drive in Europe of exchanging students among the various countries than there ever has been before. The opportunities that exist today in Europe for students are quite different from the opportunities that existed 20 and 30 years ago. Many of the laboratories in Europe are highly desirable places today, which they weren't in the past. So, it wouldn't surprise me if there was a slackening off. But my point really was that the bilateral relationships which we've had with many countries are now being, not necessarily superseded, but augmented by this very complex multilateral relationship and that we've really got to understand what that means to us.

SGR. *If we want European students to come here, are we willing to provide them with fellowships, through NSF, perhaps?*

Bloch. That's one way. Would I advise that? I would advise some of that. By the way, we are sending some people over to Europe on exactly that kind of a basis, fellowships provided by some European countries. The other problem we have is that because of the costs, fewer and fewer people can take advantage of these exchanges.

SGR. *Have the stipends kept up?*

Bloch. They have not kept up. This year, NSF is at $12,600. With everything considered, we should be around $16,000, $17,000. We're inching up, but not jumping up. We're going to increase it next year by $600 more, hopefully increasing it consistently. We had to make a decision. The question was, do we increase the number of fellowships or do we increase the stipend? We made the decision to do a little bit on the stipend but quite a bit on increasing the fellowships.

SGR. *There are proposals now and then to combine NSF and other agencies into a Department of Science.*

Bloch. We are an independent agency and we should keep it that way. You want to have a little bit of distance. The independence of the agency is more important than I realized when I first came here. It allows you to do things that otherwise would be difficult to do, if not impossible. The fact that you are not under the day-to-day control of a Department, like NIH is, for instance, is a tremendous advantage. We want to do everything to preserve that. In a Department there are policies which have nothing to do with you, per se, but still influence you.

SGR. *The fetal tissue ban at NIH?*

Bloch. For example. I think it's very healthy for us [to remain an independent agency].

SGR. *If NSF were appended to another organization, it might have a bigger political constituency.*

Bloch. I don't think so. It would be the same thing that happens in Defense. The basic research would get swallowed up whenever there is the slightest hiccup on some of these massive programs.

SGR. *The social and behavioral scientists feel neglected by NSF.*

Bloch. Everybody feels neglected—the physicists, the

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. . . She's Offered $150,000 to Clear Out, Shut Up

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leted Weissmann's name from a chapter she contributed to a book and "actually attempted to pass off the work as his own." The Court of Appeals decision, reversing the finding of a US District Court trial judge, added that Freeman "stood to gain recognition among his peers and in the profession. . . without paying the usual price that accompanies scientific research and writing, that is to say, by the sweat of his brow."

Another of Weissmann's mementos, issued in October 1989, is a notice from the United States Supreme Court, denying Freeman's petition for appeal, thereby upholding the Court of Appeals decision favoring Weissmann.

And a third is a proposed, and rejected, "settlement agreement," dated September 11, 1989, from Yeshiva University, the Einstein College of Medicine, the Montefiore Medical Center, Freeman, and Chairman M. Donald Blaufox of the ironically titled Unified Department of Nuclear Medicine.

The settlement proposal is unrelated to the copyright suit, which was concluded by the Supreme Court's denial of review. Rather, the proposal was aimed at terminating a still-pending law suit that Weissmann later filed against the aforementioned institutions and staff members following what she charges was her unjustified dismissal from a job she had held for ten years.

Labeled "privileged and confidential," the settlement proposal offered Weissmann $150,000 if she would agree to return briefly to an unsalaried position at Montefiore with no duties or benefits and shortly thereafter resign. The proposed settlement also required Weissmann to drop employment-discrimination and other charges she had filed against the institutions and to agree to a vow of silence on the terms of the settlement. And, among several additional provisions, it required Weissmann to advise "the Congressional Committee investigating academic misconduct" that Freeman "did not engage in any scientific misconduct or breach of professional ethics."

The Committee referred to is the House Government Operations Subcommittee on Human Resources and Intergovernmental Relations, chaired by Rep. Ted Weiss (D-NY), which had asked Einstein for information about the case as part of its long-running inquiry into scientific misconduct. Weissmann has rejected the settlement, and is pursuing her case against her former employer and senior colleagues.

And what is the current status of the key parties to the dispute? Weissmann has been unemployed since September 1987, locked out by Montefiore, she charges, from her $100,000-a-year position as Associate Professor of Radiology and Nuclear Medicine, and blackballed in her quest to find a job elsewhere.

Freeman, though judicially branded a plagiarist, retains the position of Vice Chairman of the Unified Department of Nuclear Medicine at Montefiore and Einstein.

Weissmann says she has personally incurred legal fees of $500,000, part still owed and part paid from savings and the income of her husband, who is a physician. Freeman's legal fees, undisclosed but probably of a similar amount, have

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Bloch *(Continued from Page 4)*

chemists, the materials science people, the engineers feel neglected, on and on. So do the behavioral and social scientists.

SGR. *But they've got numbers to prove it.*

Bloch. Everybody has numbers to prove it. First of all, we brought the behavioral and social sciences back to a level that is, in constant dollars, where they were at the time when they took a nosedive [early in the Reagan Administration]. It took time to do that. Secondly, there are many programs in the Foundation where behavioral and social sciences have an influence and can participate—in the biological areas, for example; in engineering, think of human factors, and on and on. I think the behavioral and social sciences, besides being an entity by themselves, also have to get much more integrated into the big projects, or not so big projects, of the Foundation. For instance, the behavioral and social sciences in global environment. We're just starting a program in social sciences in the Arctic, as part of the Arctic research effort. So, there are many ways they can push out into other [disciplinary] directorates and get participation.

The other thing which I say very bluntly is the behavioral and social sciences are a conglomeration of a large number of very small disciplines, and that's a difficulty all by itself.

SGR. *In terms of visibility?*

Bloch. No, in terms of satisfying it. If you would want to look at each one in the same depth and treat each one in the same depth, you would have a budget that goes from here to the moon. So, we'll never satisfy them, in my opinion. We also started to redirect them somewhat, in terms of being more selective as to the capabilities and putting them more on a quantitative kind of a basis. We focused very heavily on economics, and that took some toll out of the rest. But, the behavioral and social sciences are a conglomeration of a large number of disciplines.

SGR. *Some of them would respond that you, as an engineer, are no more capable of judging these disciplines than they are of judging engineering.*

Bloch. I'm not judging them. I'm not making day-to-day decisions.

SGR. *But you do cast an influence over decisions.*

Bloch. I hope so, but sometimes I wonder. What do they want? They want a Director of the NSF for every discipline, the physicists are saying the same, the engineers are saying the same. In a job like I have, there are a lot of complaints, all the time. If you don't get any, you're not doing anything. So, I'm kind of proud that I get a lot of complaints.

. . . Praise and Promotion for Research Productivity

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been paid by Montefiore.

The law suit that Weissmann is currently pursuing is of more than routine interest in the genre of "whistle-blower" litigation, for, along with sex discrimination, it charges mail fraud and several offenses under the Racketeer Influenced and Corrupt Organizations Act.

The application of the formidable RICO Act—originally devised as an anti-Mafia weapon—is a jarring novelty in academic strife. Weissmann's complaint, filed with the US District Court, Southern District of New York, says the defendants deprived her of royalty funds and other income, evaded New York State taxes through mail fraud, deprived her of pay raises and promotions and committed a variety of other offenses that together constitute "a pattern of racketeering activity." Depositions in that case are scheduled for June and July, according to Weissmann's attorney.

In contrast to Harvard Medical School, which promptly forced the resignation of Professor Shervert H. Frazier in 1988 after he was accused of several minor plagiarisms between 1966-76, the Einstein-Montefiore administration has followed a leisurely course in examining the ethical aspects of Freeman's behavior. Though seven months have passed since the United States Supreme Court declined to hear Freeman's appeal, Montefiore has proceeded no further than convening an inquiry to determine whether an investigation is warranted.

Neither Freeman nor his chairman, Blaufox, or other senior officials of Montefiore-Einstein responded to SGR's request for interviews. The only institutional response was provided by Nadia Adler, General Counsel for Montefiore. Asked by SGR on April 17 whether Freeman had been penalized for plagiarism, she replied, "Not yet." She said that when the Court of Appeals decision was issued, in February 1989, the President of Montefiore "notified the staff to be prepared for an internal inquiry."

"The inquiry panel is in process," Adler said, adding that "this is the first time that the review procedure has been used" at Montefiore, which explains why it is "slow," she said. Adler also told SGR, "I can't imagine we won't go to an investigating panel," but declined to say when that would happen or even to describe the status of the ongoing inquiry.

The Freeman-Weissmann controversy climaxed a long junior-senior collaboration during which Weissmann, now age 39, and Freeman, age 53, collaborated on some 70 papers, generally concerning the diagnostic use of derivatives of a radiopharmaceutical substance, iminodiacetic acid (IDA). Weissmann was quickly recognized as a bright young star in the department when she became affiliated with it as a fourth-year resident in 1977. Freeman was then Chief of Nuclear Medicine at Montefiore, and two years later they published their first joint paper.

As stated in the US Court of Appeals decision, "Beginning in 1980, the parties worked together as researchers and co-authors of a number of papers focusing on various aspects of nuclear medicine, particularly IDA imaging." In 1982, Freeman endorsed Weissmann for an award administered by the Society of Nuclear Medicine, referring to "The phenomenal amount of clinical research she has produced," adding, "I doubt that many other 30-year-old investigators could match her first-class productivity."

In 1984, when Weissmann was promoted to Associate Professor of Nuclear Medicine, the Chairman of Radiology at Montefiore, Harold G. Jacobson, MD, stated in a memo to a colleague that "Dr. Weissmann's rise in the academic community is little short of phenomenal. . . . Dr. Weissmann's work is of extreme importance clinically, and has 'turned around' the diagnosis of acute cholecystitis." A year later, Jacobson wrote to Weissmann that "in 6 and a half years after your residency with us, you have become nationally prominent (and even internationally)."

Clearly, Freeman's young collaborator was achieving a professional identity of her own in biomedical research. But Weissmann's star was rising against a background of acrimony at Montefiore-Einstein concerning equal pay and advancement opportunities for women, and increasing personal friction between her and Freeman and Blaufox.

In 1986, Weissmann sought a half-year "working sabbatical" at full pay to write a grant proposal while relieved of her regular duties. What she got was a half-pay, full-year sabbatical, which began in September 1986. In January 1987, while she was still on sabbatical, Chairman Blaufox notified her in a letter that her return in September would be on a "probationary basis," which she found unsettling, given that she had been with the Department for a decade. In April, Weissmann filed a complaint with the Equal Employment Opportunity Commission, alleging discrimination. Relations between her and her seniors were then headed for the breaking point.

The ensuing chronology of events, as stated in Weissmann's court filings and in the US Court of Appeals decision, was as follows: On August 19, 1987, as the end of her sabbatical drew near, Weissmann discovered that Freeman had removed her name from a chapter she had solely authored in 1985, affixed his own name as author, and was about to present the chapter to a seminar at another medical school. Weissmann's chapter, titled "Hepatobiliary Imaging," had appeared in a book published by the Radiological Society of America, *Syllabus: A Categorical Course in Nuclear Medicine*.

The version Freeman was prepared to present at the seminar contained the identical text, illustrations, and citations. There was a change in the title, which in theFreeman version contained three additional words: "Gastrointestinal Nuclear Medicine" preceding the Weissmann title: "Hepatobiliary Imaging." Another difference was in the identification of authorship—Weissmann's name was gone, re-

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. . . Locked Out When She Protested Plagiarism

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placed by Freeman's.

In a telephone interview with SGR, Weissmann described the events that followed her discovery of Freeman's adoption of her paper. "I had a lawyer send him a letter saying that if he didn't respond, I would get a temporary restraining order to restrain distribution on grounds of false authorship. He did not respond, so we filed for the order on August 20, to appear in court on August 21." Freeman withdrew the 50 copies of the chapter that had been reproduced for the seminar.

When Weissmann went to her office on the 21st, she continued, "two security officers met me. They advised me I couldn't take anything and I would have to be searched when I left." She was also told to surrender her keys.

On the basis of this treatment, Weissmann concluded that she had been fired, but the Montefiore-Einstein management sought to cover its tracks. In a letter to Weissmann, Department Chairman Blaufox asserted that her "failure to return to work constitutes a resignation of employment."

At about the same time, Blaufox announced Freeman's promotion to Vice Chairman of the Department.

Still insisting that she had been fired, Weissmann pressed a copyright infringement suit against Freeman. The case, heard in March 1988 by a judge, without a jury, produced a clearcut victory for Freeman, who insisted that the contested chapter was the product of joint efforts, and that he was as free as Weissmann was to list himself as sole author.

Following the trial court ruling in Freeman's favor, the President of Montefiore, Spencer Foreman, wrote to the staff: "The Federal District Court has completely vindicated our colleague, Leonard M. Freeman, MD. . . . I know you are all as pleased as I am with the decision reached by the federal court."

Weissmann, however, appealed, and the US Court of Appeals for the Second Circuit, in a strongly worded 2-1 decision, reversed the trial court, stating that the lower court's ruling "stands copyright law on its head." While parts of the disputed chapter were indeed jointly produced material, the Court found, Weissmann had included a considerable amount of additional material. Freeman, the appeals decision noted, had conceded at the trial "that he had not participated in drafting the new matter." The court also observed that in 1985, Freeman lectured at the same meeting at which Weissmann presented her chapter "and made no objection to the omission of his name from it."

The Montefiore-Einstein performance in the Weissmann matter has drawn a rebuke from a philanthropist courted by the institutions, Rita Kaplan, of the Rita J. and Stanley H. Kaplan Foundation, Inc., which, with a $12 million endowment, is dedicated to assisting Jewish organizations. The Kaplans have been personally acquainted with Weissmann since she was a teen-age employe in the tutoring business that made their fortune. In a recent letter to "Fellow Philanthropists," trustees, board members and faculty of Yeshiva University, the Einstein College, and Montefiore, Mrs. Kaplan wrote that she was "committed to exercising my philanthropic influence toward the end that institutions (especially Jewish institutions) 'do the right thing,' and I submit to each and every one of you that AECOM (Albert Einstein College of Medicine), Montefiore and the University are not."

The Kaplan letter also stated: "Dr. Freeman was expressly found to be a copyright infringer by reason of outright plagiarism (which is a defined form of 'scientific misconduct'), and the institution has spent the last six months trying to get Dr. Weissmann to agree to participate in the whitewash and coverup of his illegal actions."—DSG

In Print *(Continued from Page 8)*

devices, intensive care units, organ transplantation and replacement. Listed as one of the next steps is "a much broader discussion about national priority-setting." Rather than a study, this one is shaping up as a career.

Also from the IOM, ***Breast Cancer: Setting Priorities for Effectiveness Research*** (64 pp., $15), from the IOM's Division of Health Care Services, produced as part of an "Effectiveness Initiative" sponsored by the Health Care Financing Administration to put more sense into Medicare spending.

Another from the Academy complex: ***A Challenge of Numbers: People in the Mathematical Sciences*** (119 pp., $9.95), by the NAS Committee on the Mathematical Sciences in the Year 2000, presents data to back up reports that a big shortage of mathematicians is shaping up. A later report will recommend what to do about it.

Order from: National Academy Press, 2101 Constitution Ave. NW, Washington, DC 20418; tel. 1-800/624-6242; in Washington, DC: 334-3313.

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In Print: R&D Spending, AIDS, Foreign Technology

The publications listed are obtainable as indicated—not from SGR.

Federal Funds for Research and Development: Fiscal Years 1988, 1989, and 1990 (NSF 90-306, 272 pp., no charge), 38th edition of NSF's long-running series showing, in over 200 tables, distribution of federal R&D funds by agency, discipline, geographic region, etc.

Federal R&D Funding by Budget Function: Fiscal Years 1989-91 (NSF 90-311, 125 pp., no charge), sounds like more of the above, but this one, latest in an annual series, identifies R&D spending according to the official federal budget categories—defense, health, agriculture, general science, energy, transportation, etc. Included are several historical tables, including a tracking of federal civilian and defense R&D expenditures from 1955 through 1991.

Order from: NSF, Division of Science Resources Studies, 1800 G St. NW., Washington, DC 20550; tel. 202/634-4636; ***Federal Funds for Research and Development*** **is also available without charge on IBM-compatible diskettes; order from: NSF Diskettee Service, RDS Systems, Inc., 6110 Executive Blvd., Suite 1050, Rockville, Md. 20852; tel. 301/984-1989.**

How Has Federal Research on AIDS/HIV Disease Contributed to Other Fields? (GPO Stock No. 052-003-001186-7; 19 pp., plus brief appendixes), from the Congressional Office of Technology Assessment (OTA), this short "staff paper," based on a survey of biomedical and social scientists, arose from increasingly heard complaints that federal AIDs funding ($2 million in 1982, $1.1 billion this year) has grown at the expense of other biomedical fields. The OTA report, requested by Rep. Ted Weiss (D-NY), an early and persistent champion of AIDS research, says the respondents reported many advances relevant to other diseases. Nearly half the respondents agreed that "Too much research funding has been diverted to AIDS/HIV research from other fields." OTA noted that respondents' opinions tended to reflect whether they had obtained AIDs money. Listed in the report are four earlier OTA papers on AIDS-related issues.

Order from: USGPO, Superintendent of Documents, Washington, DC 20402; tel. 202/783-3238.

Foreign Technology: US Monitoring and Dissemination of the Results of Foreign Research (GAO/NSIAD-90-117; 36 pp., no charge), by the General Accounting Office (GAO), investigative service of the Congress, found the expectable in slovenliness and confusion when it looked at US government efforts to match the sci-tech voyeurism of our foreign friends and competitors. "There is no central source identifying all monitoring activity, and coordination among monitoring agencies is limited," GAO reports. Compiling its own list, it talked to 62 federal civilian and military entities peering abroad—not among them the CIA, "because it declined to cooperate." Among the difficulties cited were incompatible computer systems and limited translation services. At the Defense Intelligence Agency's foreign monitoring operation, Project Socrates, GAO found that "the entire data base is classified, although much of the information in the system is not classified and could be made available to wider groups of users." Sounds like a natural for the claimed curative powers of White House Science Adviser D. Allan Bromley's Federal Coordinating Committee for Science, Engineering, and Technology.

Order from: USGAO, PO Box 6015, Gaithersburg, Md. 20877; tel. 202/275-6241.

National Priorities for the Assessment of Clinical Conditions and Medical Technologies: Report of a Pilot Study (107 pp., $15), from the Council on Health Care Technology, created within the Institute of Medicine (IOM)—health-policy wing of the National Academy of Sciences—at the direction of Congress, to develop ways to rate the efficacy of various medical practices and techniques. The Council decided as a first step to identify 20 "national priority assessment areas"—a task assigned to a 23-member group chaired by George Thibault, Chief of Medical Service, West Roxbury, Mass., VA Medical Center. The choices: Breast cancer, cataracts, chronic obstructive pulmonary disease, coronary artery disease, gallbladder disease, gastrointestinal bleeding, HIV infection, joint disease and injury, low back pain, osteoporosis, pregnancy, prostatism, psychiatric disorders, substance abuse, diagnostic imaging techniques, diagnostic laboratory testing, erythropoietin, implantable

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